

UNITED STATES OF AMERICA
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	
)	Cr. No. 05-cr-30050
MIGUEL LOZADA,)	
Defendant.)	

GOVERNMENT'S RESPONSE TO THE DEFENDANT'S REQUEST FOR INFORMANT
INFORMATION (Dkt. # 33)

The government respectfully responds to the defendant's motion as follows:

(1) Cassette Tapes Seized from Jose Pagan

The government has no information that any of its cooperating witnesses are "requesting hits" on particular persons. The undersigned Assistant U.S. Attorney is unaware of the existence of tapes to which the defendant is referring to in his motion.

(2,3) Notification of Misidentifications

The government provided the Defendant with information concerning the cooperating witness's misidentifications of Tito Rodriguez and Andres Cotto before the defendant file his motion asking for this information. Please notify me if you have misplaced the government's letter to you informing you of the misidentifications and I will send a copy of this letter.

4. Grand Jury Testimony of the FBI Cooperating Witness

Enclosed please find the photographs viewed by the FBI's cooperating witness. The defendant's photograph is not present in this array as the FBI identified the defendant through other means. The following description of the identification of the defendant was provided to you in the government's automatic discovery letter mailed on July 1, 2005:

"F. Identifications

In October 2004, the cooperating witness whose identity is disclosed in this document identified the Defendant

by his nickname "King Demon" as an individual who had firearms in his possession. The FBI obtained a photograph of the Defendant, and displayed this photograph to the cooperating witness. The Defendant indicated that the person represented in the photograph was "King Demon." The FBI task force agents identified the defendant during surveillance on the transaction date, May 30, 2005, and also through their inspection of the video and audio tapes made of the May 30th transaction. The photograph of the defendant is enclosed."

5. Request for Admonishments to Cooperating Witness

The government previously disclosed a copy of the FBI's "Required Annual Admonishment's to Criminal Informant" to counsel in January of 2006. Enclosed please find a second copy of documents concerning the cooperating witness (documents 0001 - 00075).

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

/s/ Paul Hart Smyth

By:

PAUL H. SMYTH
Assistant U.S. Attorney

Date: April 19, 2006